



General Assembly

February Session, 2004

Raised Bill No. 5594

LCO No. 1984

01984_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING COURT OPERATIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 13a-73 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2004*):

4 (b) The commissioner may take any land he finds necessary for the
5 layout, alteration, extension, widening, change of grade or other
6 improvement of any state highway or for a highway maintenance
7 storage area or garage and the owner of such land shall be paid by the
8 state for all damages, and the state shall receive from such owner the
9 amount or value of all benefits, resulting from such taking, layout,
10 alteration, extension, widening, change of grade or other
11 improvement. The use of any site acquired for highway maintenance
12 storage area or garage purposes by condemnation shall conform to any
13 zoning ordinance or development plan in effect for the area in which
14 such site is located, provided the commissioner may be granted any
15 variance or special exception as may be made pursuant to the zoning
16 ordinances and regulations of the town wherein any such site is to be
17 acquired. The assessment of such damages and of such benefits shall

18 be made by the commissioner and filed by him with the clerk of the
19 superior court [in] for the judicial district in which the land affected is
20 located, [, and such clerk] The commissioner shall give notice of such
21 assessment to each person having an interest of record therein by
22 mailing to each a copy of the same, postage prepaid, and, at any time
23 after such assessment has been made by [said] the commissioner, the
24 physical construction of such layout, alteration, extension, widening,
25 maintenance storage area or garage, change of grade or other
26 improvement may be made. If notice cannot be given to any person
27 entitled thereto because his whereabouts or existence is unknown,
28 notice may be given by publishing a notice at least twice in a
29 newspaper published in the judicial district and having a daily or
30 weekly circulation in the town in which the property affected is
31 situated. Any such published notice shall state that it is a notice to the
32 last owner of record or his surviving spouse, heirs, administrators,
33 assigns, representatives or creditors if he is deceased, and shall contain
34 a brief description of the property taken. Notice shall also be given by
35 mailing to each such person at his last-known address, by registered or
36 certified mail, a copy of such notice. If, after a search of the land and
37 probate records, the address of any interested party cannot be found,
38 an affidavit stating such facts and reciting the steps taken to establish
39 the address of any such person shall be filed with the clerk of the
40 [superior] court and accepted in lieu of service of such notice by
41 mailing the same to the last known address of such person. Upon filing
42 an assessment with the clerk of the [superior] court, the commissioner
43 shall forthwith sign and file for record with the town clerk of the town
44 wherein such real property is located a certificate setting forth the fact
45 of such taking, a description of the real property so taken and the
46 names and residences of the owners from whom it was taken. Upon
47 the filing of such certificate, title to such real property in fee simple
48 shall vest in the state of Connecticut, except that, if it is so specified in
49 such certificate, a lesser estate, interest or right shall vest in the state.
50 The commissioner shall permit the last owner of record of such real
51 property upon which a residence is situated to remain in such

52 residence, rent free, for a period of one hundred twenty days after the
53 filing of such certificate.

54 Sec. 2. Subdivision (2) of subsection (b) of section 21-80 of the
55 general statutes is repealed and the following is substituted in lieu
56 thereof (*Effective October 1, 2004*):

57 (2) An owner may not maintain a summary process action under
58 subparagraph (B), (C) or (D) of subdivision (1) of this subsection,
59 except a summary process action based upon conduct which
60 constitutes a serious nuisance or a violation of subdivision (9) of
61 subsection (b) of section 21-82, prior to delivering a written notice to
62 the resident specifying the acts or omissions constituting the breach
63 and that the rental agreement shall terminate upon a date not less than
64 ~~[thirty]~~ fifteen days after receipt of the notice. If such breach can be
65 remedied by repair by the resident or payment of damages by the
66 resident to the owner and such breach is not so remedied within
67 ~~[twenty-one]~~ fifteen days, the rental agreement shall terminate, except
68 that (i) if the breach is remediable by repairs or the payment of
69 damages and the resident adequately remedies the breach within said
70 ~~[twenty-one-day]~~ fifteen-day period, the rental agreement shall not
71 terminate, or (ii) if substantially the same act or omission for which
72 notice was given recurs within six months, the owner may terminate
73 the rental agreement in accordance with the provisions of sections 47a-
74 23 to 47a-23b, inclusive. For the purposes of this subdivision, "serious
75 nuisance" means (A) inflicting bodily harm upon another resident or
76 the owner or threatening to inflict such harm with the present ability to
77 effect the harm and under circumstances which would lead a
78 reasonable person to believe that such threat will be carried out, (B)
79 substantial and wilful destruction of part of the premises, (C) conduct
80 which presents an immediate and serious danger to the safety of other
81 residents or the owner, or (D) using the premises for prostitution or the
82 illegal sale of drugs. If the owner elects to evict based upon an
83 allegation, pursuant to subdivision (8) of subsection (b) of section 21-
84 82, that the resident failed to require other persons on the premises

85 with the resident's consent to conduct themselves in a manner that will
86 not constitute a serious nuisance, and the resident claims to have had
87 no knowledge of such conduct, then, if the owner establishes that the
88 premises have been used for the illegal sale of drugs, the burden shall
89 be on the resident to show that the resident had no knowledge of the
90 creation of the serious nuisance.

91 Sec. 3. Subsections (a) and (b) of section 46b-127 of the general
92 statutes are repealed and the following is substituted in lieu thereof
93 (*Effective October 1, 2004*):

94 (a) The court shall automatically transfer from the docket for
95 juvenile matters to the regular criminal docket of the Superior Court
96 the case of any child charged with the commission of a capital felony, a
97 class A or B felony or a violation of section 53a-54d, provided such
98 offense was committed after such child attained the age of fourteen
99 years and counsel has been appointed for such child if such child is
100 indigent. Such counsel may appear with the child but shall not be
101 permitted to make any argument or file any motion in opposition to
102 the transfer. The child shall be arraigned in the regular criminal docket
103 of the Superior Court at the next court date following such transfer,
104 provided any proceedings held prior to the finalization of such transfer
105 shall be private and shall be conducted in such parts of the courthouse
106 or the building wherein court is located as shall be separate and apart
107 from the other parts of the court which are then being held for
108 proceedings pertaining to adults charged with crimes. The file of any
109 case so transferred shall remain sealed until the end of the tenth
110 working day following such arraignment unless the state's attorney
111 has filed a motion pursuant to this subsection, in which case such file
112 shall remain sealed until the court makes a decision on the motion. A
113 state's attorney may, not later than ten working days after such
114 arraignment, file a motion to transfer the case of any child charged
115 with the commission of a class B felony to the docket for juvenile
116 matters for proceedings in accordance with the provisions of this
117 chapter. The court sitting for the regular criminal docket shall, after

118 hearing and not later than ten working days after the filing of such
119 motion, decide such motion.

120 (b) Upon motion of a juvenile prosecutor and order of the court, the
121 case of any child charged with the commission of a class C or D felony
122 or an unclassified felony shall be transferred from the docket for
123 juvenile matters to the regular criminal docket of the Superior Court,
124 provided such offense was committed after such child attained the age
125 of fourteen years and the court finds ex parte that there is probable
126 cause to believe the child has committed the act for which he is
127 charged. The file of any case so transferred shall remain sealed until
128 such time as the court sitting for the regular criminal docket accepts
129 such transfer. The court sitting for the regular criminal docket may
130 return any such case to the docket for juvenile matters not later than
131 ten working days after the date of the transfer for proceedings in
132 accordance with the provisions of this chapter. The child shall be
133 arraigned in the regular criminal docket of the Superior Court by the
134 next court date following such transfer, provided any proceedings held
135 prior to the finalization of such transfer shall be private and shall be
136 conducted in such parts of the courthouse or the building wherein
137 court is located as shall be separate and apart from the other parts of
138 the court which are then being held for proceedings pertaining to
139 adults charged with crimes.

140 Sec. 4. Subsection (d) of section 47a-23 of the general statutes is
141 repealed and the following is substituted in lieu thereof (*Effective*
142 *October 1, 2004*):

143 (d) With respect to a month-to-month or a week-to-week tenancy of
144 a dwelling unit, a notice to quit possession based on nonpayment of
145 rent shall, upon delivery, terminate the rental agreement for the month
146 or week in which the notice is delivered, convert the month-to-month
147 or week-to-week tenancy to a tenancy at sufferance and provide
148 proper basis for a summary process action notwithstanding that such
149 notice was delivered in the month or week after the month or week in

150 which the rent is alleged to be unpaid.

151 Sec. 5. Subsection (a) of section 47a-23a of the general statutes is
152 repealed and the following is substituted in lieu thereof (*Effective*
153 *October 1, 2004*):

154 (a) If, at the expiration of the three days prescribed in section 47a-23,
155 as amended by this act, the lessee or occupant neglects or refuses to
156 quit possession or occupancy of the premises, any commissioner of the
157 Superior Court may issue a writ, summons and complaint which shall
158 be in the form and nature of an ordinary writ, summons and complaint
159 in a civil process, but which shall set forth facts justifying a judgment
160 for immediate possession or occupancy of the premises and make a
161 claim for possession or occupancy of the premises. If the claim is for
162 the possession or occupancy of nonresidential property, the writ,
163 summons and complaint [may] shall also make a claim for the
164 forfeiture to the plaintiff of the possessions and personal effects of the
165 defendant in accordance with section 47a-42a. If the plaintiff has
166 properly issued a notice to quit possession to an occupant by alias, if
167 permitted to do so by section 47a-23, as amended by this act, and has
168 no further identifying information at the time of service of the writ,
169 summons and complaint, such writ, summons and complaint may also
170 name and serve such occupant or occupants as defendants. In any case
171 in which service is to be made upon an occupant or occupants
172 identified by alias, the complaint shall contain an allegation that the
173 plaintiff does not know the name of such occupant or occupants. Such
174 complaint shall be returnable to the Superior Court. Such complaint
175 may be made returnable six days, inclusive, after service upon the
176 defendant and shall be returned to court at least three days before the
177 return day. Such complaint may be served on any day of the week.
178 Notwithstanding the provisions of section 52-185, no recognizance
179 shall be required of a complainant appearing pro se.

180 Sec. 6. Section 47a-26c of the general statutes is repealed and the
181 following is substituted in lieu thereof (*Effective October 1, 2004*):

182 All pleadings, including motions, shall advance at least one step
183 within each successive period of three days from the preceding
184 pleading or motion. If the defendant fails to plead within any such
185 period, the complainant may file a motion for judgment for failure to
186 plead, served upon the defendant in the manner provided in the rules
187 adopted by the judges of the Superior Court for the service of
188 pleadings. If the defendant fails to plead within three days after receipt
189 of such motion by the clerk, the court shall forthwith enter judgment
190 that the complainant recover possession or occupancy with costs.

191 Sec. 7. Subsection (a) of section 47a-30 of the general statutes is
192 repealed and the following is substituted in lieu thereof (*Effective*
193 *October 1, 2004*):

194 (a) When any farm employee or any domestic servant, caretaker,
195 manager or other employee as described in subsection (b) of section
196 47a-36 occupies a dwelling, dwelling unit or tenement furnished by his
197 employer and when his employment is terminated by himself or his
198 employer, or such employee fails to report for employment, and fails
199 to vacate the premises in which he is residing, he shall be given not
200 less than [five] three days' notice to quit possession of such premises
201 on the form prescribed by section 47a-23, as amended by this act.

202 Sec. 8. Subsection (b) of section 49-15 of the general statutes, as
203 amended by section 9 of public act 03-202, is repealed and the
204 following is substituted in lieu thereof (*Effective October 1, 2004*):

205 (b) Upon the filing of a bankruptcy petition by a mortgagor under
206 [Chapter 13 of] Title 11 of the United States Code, any judgment
207 against the mortgagor foreclosing the title to real estate by strict
208 foreclosure shall be opened automatically without action by any party
209 or the court, provided, the provisions of such judgment, other than the
210 establishment of law days, shall not be set aside under this subsection;
211 but no such judgment shall be opened after the title has become
212 absolute in any encumbrancer or the mortgagee, or any person
213 claiming under such encumbrancer or mortgagee. The mortgagor shall

214 file a copy of the bankruptcy petition, or an affidavit setting forth the
 215 date the bankruptcy petition was filed, with the clerk of the court in
 216 which the foreclosure matter is pending. Upon the [determination]
 217 termination of the automatic stay authorized pursuant to 11 USC 362,
 218 the mortgagor shall file with such clerk an affidavit setting forth the
 219 date the stay was terminated.

220 Sec. 9. Subsection (b) of section 51-164n of the general statutes, as
 221 amended by section 9 of public act 03-136, section 12 of public act 03-
 222 202 and section 5 of public act 03-267, is repealed and the following is
 223 substituted in lieu thereof (*Effective October 1, 2004*):

224 (b) Notwithstanding any provision of the general statutes, any
 225 person who is alleged to have committed (1) a violation under the
 226 provisions of section 1-9, 1-10, 1-11, 4b-13, as amended, 7-13, 7-14, 7-35,
 227 7-41, 7-83, 7-283, 7-325, 7-393, 8-25, as amended, 8-27, 9-63, 9-296, 9-305,
 228 9-322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-
 229 170aa, as amended, 12-292, as amended, or 12-326g, subdivision (4) of
 230 section 12-408, as amended, subdivision (3), (5) or (6) of section 12-411,
 231 as amended, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107,
 232 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, as amended, 13a-124, 13a-
 233 139, 13a-140, 13a-143b, 13a-247, as amended, or 13a-253, subsection (f)
 234 of section 13b-42, as amended, section 13b-90, 13b-221, 13b-292, as
 235 amended, 13b-336, 13b-337, as amended, 13b-338, 13b-410a, 13b-410b
 236 or 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
 237 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)
 238 of section 14-34a, subsection (d) of section 14-35, as amended, section
 239 14-43, 14-49, as amended, 14-50a, as amended, or 14-58, as amended,
 240 subsection (b) of section 14-66, as amended, section 14-66a, 14-66b or
 241 14-67a, subsection (g) of section 14-80, as amended, subsection (f) of
 242 section 14-80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-
 243 146, 14-152, 14-153 or 14-163b, a first violation as specified in
 244 subsection (f) of section 14-164i, section 14-219 as specified in
 245 subsection (e) of said section, section 14-240, 14-249 or 14-250,
 246 subsection (a), (b) or (c) of section 14-261a, section 14-262, as amended,

247 14-264, 14-267a, as amended, 14-269, 14-270, 14-275a, 14-278 or 14-279,
 248 subsection (e) of section 14-283, section 14-291, 14-293b, 14-319, 14-320,
 249 14-321, as amended, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1),
 250 (2) or (3) of section 14-386a, section 15-33, subsection (a) of section 15-
 251 115, section 16-256, 16-256e, 16a-15, as amended, or 16a-22, subsection
 252 (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149, 17a-152,
 253 17a-465, 17a-642, 17b-124, as amended, 17b-131, as amended, 17b-137
 254 or 17b-734, subsection (b) of section 17b-736, section 19a-30, 19a-33,
 255 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-
 256 105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-
 257 297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-
 258 425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257, 20-265 or 20-324e,
 259 subsection (a) of section 20-341, section 20-341l, 20-597, 20-608, 20-610,
 260 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, 21-76a, 21a-21, 21a-25,
 261 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-
 262 61, as amended, 21a-63, as amended, or 21a-77, subsection (b) of
 263 section 21a-79, as amended, section 21a-85, 21a-154, 21a-159, as
 264 amended, 21a-201, 21a-211, 22-13, 22-14, as amended, 22-15, 22-16, 22-
 265 29, 22-34, as amended, 22-35, as amended, 22-36, as amended, 22-37, as
 266 amended, 22-38, as amended, 22-39, as amended, 22-39a, 22-39b, as
 267 amended, 22-39c, 22-39d, as amended, 22-39e, as amended, 22-49, 22-
 268 54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279, as
 269 amended, 22-280a, 22-318a, as amended, 22-320h, 22-324a, as amended,
 270 22-326 or 22-342, subsection (b) or (e) of section 22-344, section 22-359,
 271 22-366, 22-391, 22-413, 22-414, as amended, 22-415, as amended, 22a-
 272 66a or 22a-246, subsection (a) of section 22a-250, subsection (e) of
 273 section 22a-256h, section 22a-449, as amended, 22a-461, 23-37, 23-38,
 274 23-46 or 23-61b, subsection (a) or (b) of section 23-65, section 25-37, 25-
 275 40, as amended, 26-19, 26-21, 26-31, 26-40, 26-40a, as amended, 26-49,
 276 26-54, 26-59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128, 26-
 277 131, 26-132, 26-138, 26-141, 26-207, 26-215, as amended, 26-224a, as
 278 amended, 26-227, as amended, 26-230, as amended, 26-294, 28-13, 29-
 279 6a, 29-109, 29-161a, 29-161b, 29-198, 29-210, 29-243, 29-277, 29-316, 29-
 280 318, 29-341, 29-381, as amended, 30-48a, 30-86a, as amended, 31-3, 31-

281 10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-
 282 28, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k,
 283 31-52, 31-52a or 31-54, subsection (a) or (c) of section 31-69, section 31-
 284 70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section
 285 31-273, section 31-288, 36a-787, 42-230, 45a-450, 45a-634 or 45a-658,
 286 subdivision (13) or (14) of section 46a-54, as amended, section 46a-59,
 287 46b-22, 46b-24, as amended, 46b-34, 47-34a, as amended, 47-47, 49-8a,
 288 as amended, 49-16 or 53-133, subsection (a) or (b) of section 53-211, or
 289 section 53-212a, 53-249a, 53-252, 53-264, 53-302a, 53-303e, 53-311a, 53-
 290 321, 53-322, 53-323, 53-331, 53-344, as amended, 53-450 or subsection
 291 (a) of section 8 of [this act] public act 03-136, or (2) a violation under
 292 the provisions of chapter 268, or (3) a violation of any regulation
 293 adopted in accordance with the provisions of section 12-484, 12-487 or
 294 13b-410, shall follow the procedures set forth in this section.

295 Sec. 10. Section 52-367a of the general statutes, as amended by
 296 section 48 of public act 03-2, section 22 of public act 03-62, section 40 of
 297 public act 03-84 and section 12 of public act 03-224, is repealed and the
 298 following is substituted in lieu thereof (*Effective October 1, 2004*):

299 (a) As used in this section and section 52-367b, as amended by this
 300 act, "financial institution" means any bank, savings bank, savings and
 301 loan association or credit union organized, chartered or licensed under
 302 the laws of this state or the United States and having its main office in
 303 this state, or any similar out-of-state institution having a branch office
 304 in this state.

305 (b) Execution may be granted pursuant to this section against any
 306 debts due from any financial institution to a judgment debtor which is
 307 not a natural person. If execution is desired against any such debt, the
 308 plaintiff requesting the execution shall make application to the clerk of
 309 the court. The application shall be accompanied by a fee of thirty-five
 310 dollars payable to the clerk of the court for the administrative costs of
 311 complying with the provisions of this section which fee may be
 312 recoverable by the judgment creditor as a taxable cost of the action.

313 The clerk shall issue such execution containing a direction that the
314 officer serving such execution shall make demand (1) upon the main
315 office of any financial institution having its main office within the
316 county of the serving officer, or (2) if such main office is not within the
317 serving officer's county and such financial institution has one or more
318 branch offices within such county, upon an employee of such a branch
319 office, such employee and branch office having been designated by the
320 financial institution in accordance with regulations adopted by the
321 Banking Commissioner, in accordance with chapter 54, for the
322 payment of any debt due to the judgment debtor, and, after having
323 made such demand, shall serve a true and attested copy thereof, with
324 the serving officer's actions thereon endorsed, with the financial
325 institution officer upon whom such demand is made.

326 (c) If any such financial institution upon which such execution is
327 served and upon which such demand is made is indebted to the
328 judgment debtor, the [banking] financial institution shall remove from
329 the judgment debtor's account the amount of such indebtedness not
330 exceeding the amount due on such execution. Except as provided in
331 subsection (d) of this section, the [banking] financial institution shall
332 immediately pay to such serving officer the amount removed from the
333 judgment debtor's account, which amount shall be received and
334 applied on such execution by such serving officer. Such financial
335 institution shall act upon such execution according to section 42a-4-303
336 before its midnight deadline, as defined in section 42a-4-104. Nothing
337 in this subsection shall be construed to affect any other rights or
338 obligations of the [banking] financial institution with regard to funds
339 in the judgment debtor's account.

340 (d) If the deposit account is subject to a security interest of a secured
341 party, other than the [banking] financial institution upon which such
342 execution is served and upon which such demand is made, pursuant
343 to a control agreement between the [banking] financial institution and
344 such secured party under article 9 of title 42a, and if any funds are
345 removed from the judgment debtor's account pursuant to subsection

346 (c) of this section, the [banking] financial institution shall forthwith
347 mail a copy of the execution when received from the serving officer,
348 postage prepaid, to the judgment debtor and to such other secured
349 party at the last known address of such parties with respect to the
350 affected accounts on the records of the [banking] financial institution.
351 The [banking] financial institution shall hold the amount removed
352 from the judgment debtor's account pursuant to subsection (c) of this
353 section for twenty days from the date of the mailing to the judgment
354 debtor and such other secured party, and during such period shall not
355 pay the serving officer.

356 (e) To prevent the [banking] financial institution from paying the
357 serving officer, as provided in subsection (h) of this section, such other
358 secured party shall give notice of its prior perfected security interest in
359 such deposit account, by delivering to the clerk of the court that issued
360 the execution a written claim for determination of interests in property
361 pursuant to section 52-356c and by delivering a copy of such claim to
362 the [banking] financial institution upon which such execution is
363 served.

364 (f) Upon receipt of a written claim for determination of interests in
365 property made pursuant to subsection (e) of this section, the clerk of
366 the court shall enter the appearance of the secured party with the
367 address set forth in the written claim. The clerk shall forthwith send
368 file-stamped copies of the written claim to the judgment creditor, the
369 judgment debtor and the [banking] financial institution upon which
370 such execution was served with a notice stating that the disputed
371 funds are being held until a court order is entered regarding the
372 disposition of the funds.

373 (g) If a written claim for determination of interests in property is
374 made pursuant to subsection (e) of this section, the [banking] financial
375 institution shall continue to hold the amount removed from the
376 judgment debtor's account until a court order is received regarding
377 disposition of the funds.

378 (h) If no written claim for determination of interests in property is
379 made pursuant to subsection (e) of this section, the [banking] financial
380 institution shall, upon demand, forthwith pay the serving officer the
381 amount removed from the judgment debtor's account, and the serving
382 officer shall thereupon pay such sum, less such serving officer's fees, to
383 the judgment creditor, except to the extent otherwise ordered by a
384 court.

385 (i) If a written claim for determination of interests in property is
386 made pursuant to subsection (e) of this section, the clerk of the court,
387 after a judgment or order is entered pursuant to section 52-356c, shall
388 forthwith send a copy of such judgment or order to the [banking]
389 financial institution. Such judgment or order shall be deemed to be a
390 final judgment for the purposes of appeal. No appeal shall be taken
391 except within seven days of the rendering of the judgment or order.
392 The judgment or order of the court may be implemented during such
393 seven-day period, unless stayed by the court.

394 (j) If records or testimony are subpoenaed from a [banking] financial
395 institution in connection with a hearing conducted pursuant to section
396 52-356c on a written claim for determination of interests in property
397 made pursuant to subsection (e) of this section, the reasonable costs
398 and expenses of the [banking] financial institution in complying with
399 the subpoena shall be recoverable by the [banking] financial institution
400 from the party requiring such records or testimony, provided the
401 [banking] financial institution shall be under no obligation to attempt
402 to obtain records or documentation relating to the account executed
403 against that are held by any other [banking] financial institution. The
404 records of a [banking] financial institution as to the dates and amounts
405 of deposits into an account in the [banking] financial institution shall,
406 if certified as true and accurate by an officer of the [banking] financial
407 institution, be admissible as evidence without the presence of the
408 officer in any hearing conducted pursuant to section 52-356c to
409 determine the legitimacy of a claim of an interest in property made
410 under subsection (e) of this section.

411 (k) If such financial institution fails or refuses to pay over to such
412 serving officer the amount of such debt, not exceeding the amount due
413 on such execution, such financial institution shall be liable in an action
414 therefor to the judgment creditor named in such execution, and the
415 amount so recovered by such judgment creditor shall be applied
416 toward the payment of the amount due on such execution.

417 (l) Except as provided in subsection (k) of this section, no [banking]
418 financial institution or any officer, director or employee of such
419 [banking] financial institution shall be liable to any person with respect
420 to any act done or omitted in good faith or through the commission of
421 a bona fide error that occurred despite reasonable procedures
422 maintained by the [banking] financial institution to prevent such errors
423 in complying with the provisions of this section.

424 (m) Nothing in this section shall in any way restrict the rights and
425 remedies otherwise available to a judgment debtor or to any such
426 secured party at law or in equity.

427 (n) An execution issued pursuant to this section shall be served
428 within one year after its issuance and returned to court within thirty
429 days after the satisfaction of the judgment.

430 Sec. 11. Subsection (b) of section 52-367b of the general statutes, as
431 amended by section 49 of public act 03-2, section 23 of public act 03-62,
432 section 41 of public act 03-84 and section 13 of public act 03-224, is
433 repealed and the following is substituted in lieu thereof (*Effective*
434 *October 1, 2004*):

435 (b) If execution is desired against any such debt, the plaintiff
436 requesting the execution shall make application to the clerk of the
437 court. The application shall be accompanied by a fee of thirty-five
438 dollars payable to the clerk of the court for the administrative costs of
439 complying with the provisions of this section which fee may be
440 recoverable by the judgment creditor as a taxable cost of the action. In
441 a IV-D case, the request for execution shall be accompanied by an

442 affidavit signed by the serving officer attesting to an overdue support
 443 amount of five hundred dollars or more which accrued after the entry
 444 of an initial family support judgment. If the papers are in order, the
 445 clerk shall issue such execution containing a direction that the officer
 446 serving such execution shall, within seven days from the receipt by the
 447 serving officer of such execution, make demand (1) upon the main
 448 office of any financial institution having its main office within the
 449 county of the serving officer, or (2) if such main office is not within the
 450 serving officer's county and such financial institution has one or more
 451 branch offices within such county, upon an employee of such a branch
 452 office, such employee and branch office having been designated by the
 453 financial institution in accordance with regulations adopted by the
 454 Banking Commissioner, in accordance with chapter 54, for payment of
 455 any such nonexempt debt due to the judgment debtor and, after
 456 having made such demand, shall serve a true and attested copy of the
 457 execution, together with the affidavit and exemption claim form
 458 prescribed by subsection (k) of this section, with the serving officer's
 459 actions endorsed thereon, with the financial institution officer upon
 460 whom such demand is made. If the officer serving such execution has
 461 made an initial demand pursuant to this subsection within such seven-
 462 day period, the serving officer may make additional demands upon
 463 the main office of other financial institutions or employees of other
 464 branch offices pursuant to subdivision (1) or (2) of this subsection,
 465 provided any such additional demand is made not later than forty-five
 466 days from the receipt by the serving officer of such execution. Such
 467 execution shall be returned to court within thirty days after the
 468 satisfaction of the judgment.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>
Sec. 3	<i>October 1, 2004</i>
Sec. 4	<i>October 1, 2004</i>
Sec. 5	<i>October 1, 2004</i>
Sec. 6	<i>October 1, 2004</i>

Sec. 7	<i>October 1, 2004</i>
Sec. 8	<i>October 1, 2004</i>
Sec. 9	<i>October 1, 2004</i>
Sec. 10	<i>October 1, 2004</i>
Sec. 11	<i>October 1, 2004</i>

Statement of Purpose:

To require that notice of assessment in a highway condemnation proceeding be given by the Commissioner of Transportation rather than the court clerk, to revise certain timeframes for notices to quit in evictions involving week-to-week tenancies, mobile homes and farm employees, to require that proceedings in adult court for juveniles charged with a felony that occur prior to the finalization of a transfer be conducted in a closed courtroom, to clarify when a motion for default may be entered in housing actions, to require that the complaint in a commercial eviction action make a claim for the forfeiture of personal property if the plaintiff is seeking forfeiture, to allow certain noise violations to be paid through the Centralized Infractions Bureau and to clarify the timeframes for service and return of bank executions.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]